



Focus

Pilot Rule for Creation and Operation of Water Conservancy Boards

Overview

The Washington Department of Ecology is developing a rule to guide the creation and operation of county water conservancy boards. The 1997 legislature created conservancy boards under *Chapter 90.80 RCW*. The legislation allows counties to establish local water conservancy boards to process water right transfer and change applications, subject to Ecology approval. It also directs Ecology to establish minimum requirements for training conservancy board members. The Governor directed Ecology to initiate pilot rule making for the new chapter of the water code and authorized the establishment of up to two conservancy boards during development of the pilot rule.

Under the new law, Ecology has 45 days to approve/deny the formation of a water conservancy board upon receipt of a copy of the approved resolution or petition submitted by a county. The petition must include a summary of public testimony presented during a public hearing conducted by the county commissioners/council, in response to the petition to form a water conservancy board.

Ecology received proposals from Benton and Lewis counties to establish conservancy boards under the pilot rule. Ecology's Director approved both county proposals, subject to the rule-making process. The pilot rule will be tested in both counties, and Ecology expects the final rule to be adopted in approximately one year.

Ecology's Water Resources Program will provide training for the new board members. The training will consist of a minimum of 40 hours of initial instruction to include learning about state water law, hydrology, and applied practical experience processing applications for change or transfer of water rights.

The Application Process Under the Pilot Rule

An existing water right that is eligible to be changed or transferred may be represented by one of a variety of documents, usually a water right permit, certificate or claim. Elements of these water right documents that may be changed are:

- Place of use;
- Point(s) of withdrawal or diversion;
- Additional point(s) of withdrawal or diversion; and
- Purpose of use.

Certain aspects of an existing water right document may not be changed. These include increasing the withdrawal rate or annual quantity of water currently permitted. For more information on changing an existing water right document, contact Ecology's Publication Center at (360) 407-7472 and request publication #98-1802-WR, "Changing an Existing

Water Right or Water Right Claim," or visit Ecology's publication web site at:
<http://www.wa.gov/ecology/>

Under the new law, to change or transfer an existing water right, the water right holder must complete and submit to the water conservancy board an application for water right change, attaching a minimum \$10 fee. The original application and application fee will be forwarded to Ecology. Ecology will assign a water right application control number and inform the board of the assigned number. Potentially, the boards may charge the applicant an additional fee.

The water conservancy board will evaluate the application and determine whether or not the change, as proposed, can be made without affecting existing water rights. The board would oversee both the process of the applicant publishing a public notice and the filing of subsequent protests by the public.

The board will investigate the application and render a decision to approve, deny or condition the approval. If an application is approved, the water conservancy board will issue the applicant a certificate conditionally authorizing the change or transfer, subject to approval by Ecology. Only after Ecology has concurred with the determination, or waived its review, is a transfer or change of the water right authorized. A superseding certificate or certificate of change (in the case of a claim) will be issued by Ecology once verification of the change has occurred. For denied applications, the board will issue an order conditionally denying the transfer or change, subject to approval by Ecology.

Public Workshops

Immediately following the water resources training for the boards, Ecology will be hosting public workshops to discuss the pilot rule establishing water conservancy boards. Water conservancy board members from Benton and Lewis counties will also participate in the workshops to answer questions about their involvement in the pilot rule process. Copies of the draft pilot rule will be available at the workshops, or you may visit Ecology's laws and rules web site: <http://www.wa.gov/ecology/leg/laws-etc.html>

The public workshop in Benton County will be held September 30, 1998, from 7:00 - 9:00 p.m. at the following location:

**Department of Ecology
1315 4th Avenue
Kennewick, WA**

Lewis County has not yet confirmed their training dates in October, so a public workshop date and location will be announced at a later date.

For More Information

To request a map showing Ecology's Kennewick office location, call Ann Shipley at (360) 407-6624. For more information on the pilot rule, contact Peggy Clifford (360) 407-7262, Department of Ecology, Water Resources Program, PO Box 47600, Olympia, WA 98504-7600 or email at pcli461@ecy.wa.gov

If you have special accommodation needs, please contact Paula Smith at (360) 407-6607 or (360) 407-6006 TDD.